

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEONARD R. MEAGHER II,

Plaintiff,

v.

KING COUNTY, et al,

Defendants.

No. 2:23-cv-00741-RSL

STIPULATED MOTION AND
ORDER TO AMEND COMPLAINT
AND EXTEND KING COUNTY'S
DEADLINE TO ANSWER OR
OTHERWISE RESPOND

STIPULATION

Pursuant to Federal Rule of Civil Procedure 15 and Local Civil Rules 7(j), 10(g) and 15, Plaintiff Leonard R. Meagher II and Defendants King County and King County Metro Transit (together, "King County") hereby agree to (a) permit Plaintiff to file an Amended Complaint; and (b) give King County twenty-one (21) days from such filing to answer or otherwise respond, and stipulate as follows:

1. Plaintiff filed the operative Complaint in state court on January 31, 2023, alleging that King County had denied her request for a religious exemption and accommodation from King County Executive Order ACO-8-27-EO, which required County employees to be vaccinated against COVID-19 (unless they received an exemption and accommodation), and terminated her

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1 employment. Dkt. #1-1. Plaintiff brought claims under Title VII and the Washington Law Against
 2 Discrimination (WLAD). After service of the Complaint, King County removed the case to this
 3 Court. Dkt. #1.

4 2. On October 6, 2023, King County's outside counsel entered an appearance in this
 5 matter. Shortly thereafter, its counsel contacted Plaintiff's counsel regarding a potential
 6 amendment to her Complaint. Specifically, King County's counsel noted that federal courts in
 7 Washington and elsewhere have dismissed similar failure-to-accommodate claims where the
 8 plaintiffs fail to allege the specific nature of their religious belief, how the belief conflicted with a
 9 vaccination requirement, or how the plaintiffs provided adequate notice of this belief to their
 10 employers. *See, e.g., Bartholomew v. Washington*, --- F. Supp. 3d ----, No. 3:23-cv-05209-DGE,
 11 2023 WL 6471627, at *3 (W.D. Wash. Sept. 21, 2023); *Kiel v. Mayo Clinic Health System*
 12 *Southeast Minnesota*, No. 22-1319 (JRT/ECW), 2023 WL 5000255 (D. Minn. Aug. 4, 2023); *see*
 13 *also Leake v. Raytheon Techs. Corp.*, No. CV-22-00436-TUC-RM, 2023 WL 2242857, at *5 (D.
 14 Ariz. Feb. 27, 2023). The Complaint does not allege such facts.

15 3. In lieu of moving for judgment on the pleadings at this stage, King County's
 16 counsel suggested that Plaintiff amend his complaint to add such required factual allegations.
 17 Plaintiff agreed to do so. King County consents to the filing of an Amended Complaint. In so
 18 consenting, however, King County reserves its right to move to dismiss or for judgment on the
 19 pleadings in the event Plaintiff's allegations, as amended, fail to state plausible claims for relief.

20 4. Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Local Civil Rule 7(j) the
 21 Parties agree that:

- 22 a. Plaintiff may file an Amended Complaint in the form attached to the
 23 stipulation (Dkt. # 15) **Exhibit 1**. Pursuant to Local Civil Rule 15, Exhibit

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1 indicates how the Amended Complaint differs from the operative Complaint; and

- b. King County's deadline to answer or otherwise respond to the Amended Complaint to twenty-one (21) days from the date Plaintiff files the Second Amended Complaint.

STIPULATED to this 19th day of December, 2023.

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s/Zachary J. Pekelis
Zachary J. Pekelis, WSBA #44557

s/Harold H. Franklin, Jr.
Harold H. Franklin, Jr., WSBA #20486

Counsel for Defendant King County

Counsel for Plaintiff

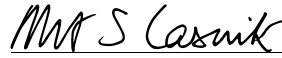
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ORDER

IT IS SO ORDERED

Dated this 20th day of December, 2023.


Robert J. Lasnik
United States District Judge

Presented by:

PACIFICA LAW GROUP LLP

s/Zachary J. Pekelis
Zachary Pekelis, WSBA #44557

Counsel for Defendant King County

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s/Harold H. Franklin, Jr.
Harold H. Franklin, Jr., WSBA #20486

Counsel for Plaintiff

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